

REFERENCE TITLE: **electronic monitoring; release**

State of Arizona
House of Representatives
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HB 2312

Introduced by
Representatives Konopnicki, Downing, Kirkpatrick, Landrum Taylor,
O'Halleran: Jones, Lujan, Miranda B, Prezelski, Senator Rios

AN ACT

**AMENDING SECTIONS 13-901, 13-3967, 31-402, 31-411, 41-1604.13 AND 41-1609.05,
ARIZONA REVISED STATUTES; RELATING TO ELECTRONIC MONITORING.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-901, Arizona Revised Statutes, is amended to
3 read:

4 13-901. Probation

5 A. If a person who has been convicted of an offense is eligible for
6 probation, the court may suspend the imposition or execution of sentence and,
7 if so, shall without delay place ~~such~~ THE person on intensive probation
8 supervision pursuant to section 13-913 or supervised or unsupervised
9 probation ~~upon~~ ON such terms and conditions as the law requires and the court
10 deems appropriate, including participation in any programs authorized in
11 title 12, chapter 2, article 11. If a person is not eligible for probation,
12 imposition or execution of sentence shall not be suspended or delayed. If
13 the court imposes probation, it may also impose a fine as authorized by
14 chapter 8 of this title. If probation is granted the court shall impose a
15 condition that the person waive extradition for any probation revocation
16 procedures and it shall order restitution pursuant to section 13-603,
17 subsection C where there is a victim who has suffered economic loss. When
18 granting probation to an adult the court ~~shall~~, as a condition of probation,
19 SHALL assess a monthly fee of not less than fifty dollars unless, after
20 determining the inability of the probationer to pay the fee, the court
21 assesses a lesser fee. In justice and municipal courts the fee shall only be
22 assessed when the person is placed on supervised probation. For persons
23 placed on probation in the superior court, the fee shall be paid to the clerk
24 of the superior court and the clerk of the court shall pay all monies
25 collected from this fee to the county treasurer for deposit in the adult
26 probation services fund established by section 12-267. For persons placed on
27 supervised probation in the justice court, the fee shall be paid to the
28 justice court and the justice court shall transmit all of the monies to the
29 county treasurer for deposit in the adult probation services fund established
30 by section 12-267. For persons placed on supervised probation in the
31 municipal court, the fee shall be paid to the municipal court. The municipal
32 court shall transmit all of the monies to the city treasurer who shall
33 transmit the monies to the county treasurer for deposit in the adult
34 probation services fund established by section 12-267. Any amount greater
35 than forty dollars of the fee assessed pursuant to this subsection shall only
36 be used to supplement monies currently used for the salaries of adult
37 probation and surveillance officers and for support of programs and services
38 of the superior court adult probation departments.

39 B. The period of probation shall be determined according to section
40 13-902.

41 C. The court, ~~may~~ in its discretion, MAY issue a warrant for the
42 rearrest of the defendant and may modify or add to the conditions or, if the
43 defendant commits an additional offense or violates a condition, may revoke
44 probation in accordance with the rules of criminal procedure at any time
45 ~~prior to~~ BEFORE the expiration or termination of the period of probation. If

1 the court revokes the defendant's probation and the defendant is serving more
2 than one probationary term concurrently, the court may sentence the person to
3 terms of imprisonment to be served consecutively.

4 D. At any time during the probationary term of the person released on
5 probation, any probation officer ~~may~~, without warrant or other process, ~~AND~~
6 at any time until the final disposition of the case, ~~MAY~~ rearrest any person
7 and bring the person before the court.

8 E. The court, on its own initiative or ~~upon~~ ~~ON~~ application of the
9 probationer, after notice and an opportunity to be heard for the prosecuting
10 attorney, ~~and~~, on request, the victim, may terminate the period of probation
11 or intensive probation and discharge the defendant at a time earlier than
12 that originally imposed if in the court's opinion the ends of justice will be
13 served and if the conduct of the defendant on probation warrants it.

14 F. When granting probation the court may require that the defendant be
15 imprisoned in the county jail at whatever time or intervals, consecutive or
16 nonconsecutive, the court shall determine, within the period of probation, as
17 long as the period actually spent in confinement does not exceed one year or
18 the maximum period of imprisonment permitted under chapter 7 of this title,
19 whichever is the shorter.

20 G. If restitution is made a condition of probation, the court shall
21 fix the amount of restitution and the manner of performance pursuant to ~~the~~
22 ~~provisions of~~ chapter 8 of this title.

23 H. When granting probation, the court shall set forth at the time of
24 sentencing and on the record the factual and legal reasons in support of each
25 sentence.

26 I. IF ELECTRONIC MONITORING IS MADE A CONDITION OF PROBATION, THE
27 COURT SHALL ORDER THE DEFENDANT TO BE PLACED ON ELECTRONIC MONITORING BEFORE
28 BEING RELEASED TO SERVE THE TERM OF PROBATION.

29 ~~I.~~ J. If the defendant meets the criteria set forth in section
30 13-901.01 or 13-3422, the court may place the defendant on probation pursuant
31 to either section. If a defendant is placed on probation pursuant to section
32 13-901.01 or 13-3422, the court may impose any term of probation that is
33 authorized pursuant to this section ~~which~~ ~~AND THAT~~ is not in violation of
34 section 13-901.01.

35 Sec. 2. Section 13-3967, Arizona Revised Statutes, is amended to read:
36 ~~13-3967.~~ Release on bailable offenses before trial; definition

37 A. At his appearance before a judicial officer, any person who is
38 charged with a public offense that is bailable as a matter of right shall be
39 ordered released pending trial on his own recognizance or on the execution of
40 bail in an amount specified by the judicial officer.

41 B. In determining the method of release or the amount of bail, the
42 judicial officer, on the basis of available information, shall take into
43 account all of the following:

- 44 1. The views of the victim.
- 45 2. The nature and circumstances of the offense charged.

1 3. The weight of evidence against the accused.

2 4. The accused's family ties, employment, financial resources,
3 character and mental condition.

4 5. The results of any drug test submitted to the court.

5 6. Whether the accused is using any substance if its possession or use
6 is illegal pursuant to chapter 34 of this title.

7 7. Whether the accused violated section 13-3407, subsection A,
8 paragraph 2, 3, 4 or 7 involving methamphetamine or section 13-3407.01.

9 8. The length of residence in the community.

10 9. The accused's record of arrests and convictions.

11 10. The accused's record of appearance at court proceedings or of
12 flight to avoid prosecution or failure to appear at court proceedings.

13 C. If a judicial officer orders the release of a defendant who is
14 charged with a felony either on his own recognizance or on bail, the judicial
15 officer shall condition the defendant's release on the defendant's good
16 behavior while so released. On a showing of probable cause that the
17 defendant committed any offense during the period of release, a judicial
18 officer may revoke the defendant's release pursuant to section 13-3968.

19 D. After providing notice to the victim pursuant to section 13-4406, a
20 judicial officer may impose any of the following conditions on a person who
21 is released on his own recognizance or on bail:

22 1. Place the person in the custody of a designated person or
23 organization agreeing to supervise him.

24 2. Place restrictions on the person's travel, associates or place of
25 abode during the period of release.

26 3. Require the deposit with the clerk of the court of cash or other
27 security, such deposit to be returned on the performance of the conditions of
28 release.

29 4. Prohibit the person from possessing any dangerous weapon or
30 engaging in certain described activities or indulging in intoxicating liquors
31 or certain drugs.

32 5. Require the person to report regularly to and remain under the
33 supervision of an officer of the court.

34 6. Impose any other conditions deemed reasonably necessary to assure
35 appearance as required, including a condition requiring that the person
36 return to custody after specified hours.

37 E. In addition to any of the conditions a judicial officer may impose
38 pursuant to subsection D of this section, the judicial officer shall impose
39 both of the following conditions on a person who is charged with a felony
40 violation of chapter 14 or 35.1 of this title and who is released on his own
41 recognizance or on bail:

42 1. Electronic monitoring where available. IF ELECTRONIC MONITORING IS
43 ORDERED, THE COURT SHALL ORDER THE PERSON TO BE PLACED ON ELECTRONIC
44 MONITORING BEFORE BEING RELEASED ON HIS OWN RECOGNIZANCE OR ON BAIL.

2. A condition prohibiting the person from having any contact with the victim.

F. The judicial officer who authorizes the release of the person charged on his own recognizance or on bail shall do all of the following:

1. Issue an appropriate order containing statements of the conditions imposed.

2. Inform the person of the penalties that apply to any violation of the conditions of release.

3. Advise the person that a warrant for ~~his~~ THE PERSON'S arrest may be issued immediately on any violation of the conditions of release.

G. At any time after providing notice to the victim pursuant to section 13-4406, the judicial officer who orders the release of a person on any condition specified in this section or the court in which a prosecution is pending may amend the order to employ additional or different conditions of release, including either an increase or reduction in the amount of bail. On application, the defendant shall be entitled to have the conditions of release reviewed by the judicial officer who imposed them or by the court in which the prosecution is pending. Reasonable notice of the application shall be given to the county attorney and the victim.

H. Any information that is stated or offered in connection with any order pursuant to this section need not conform to the rules pertaining to admissibility of evidence in a court of law.

I. This section does not prevent the disposition of any case or class of cases by forfeiture of bail or collateral security if such disposition is authorized by the court.

J. A judicial officer who orders the release of a juvenile who has been transferred to the criminal division of the superior court pursuant to section 8-327 or who has been charged as an adult pursuant to section 13-501 shall notify the appropriate school district on the release of the juvenile from custody.

K. For the purposes of this section and section 13-3968, "judicial officer" means any person or court authorized pursuant to the constitution or laws of this state to bail or otherwise release a person before trial or sentencing or pending appeal.

Sec. 3. Section 31-402, Arizona Revised Statutes, is amended to read:

31-402. Powers of board; powers and duties of governor; powers and duties of executive director

A. For all persons who committed felony offenses before January 1, 1994, the board of executive clemency shall have exclusive power to pass ~~upon~~ ON and recommend reprieves, commutations, paroles and pardons. No reprieve, commutation or pardon may be granted by the governor unless it has first been recommended by the board.

B. For all persons who committed felony offenses before January 1, 1994, all applications for reprieves, commutations and pardons made to the governor shall be at once transmitted to the chairman of the board, and the

board shall return the applications with its recommendation to the governor. All applications for reprieves, commutations and pardons made to the governor shall include documentation that the victim or the victim's family was notified pursuant to section 31-411, subsection H.

C. For all persons who committed felony offenses on or after January 1, 1994, in addition to the powers and duties prescribed in subsection A of this section, the board of executive clemency:

1. Is vested with the powers and duties of the board of pardons and paroles as they existed before January 1, 1994 to carry out the provisions of articles 3 through 7 of this chapter.

2. After a hearing for which the victim, county attorney and presiding judge are given notice and an opportunity to be heard, may make recommendations to the governor for commutation of sentence after finding by clear and convincing evidence that the sentence imposed is clearly excessive given the nature of the offense and the record of the offender and that there is a substantial probability that when released the offender will conform the offender's conduct to the requirements of the law.

3. Shall receive petitions from individuals for whom the court has entered a special order allowing the person to petition the board pursuant to section 13-603, subsection L and may make recommendations to the governor.

4. Shall receive petitions from individuals, organizations or the department for review and commutation of sentences and pardoning of offenders in extraordinary cases and may make recommendations to the governor.

5. Shall receive petitions from the ~~state~~ department ~~of corrections~~ alleging that an offender has violated the offender's terms and conditions of community supervision and has lapsed or is probably about to lapse into criminal ways or company. If the board determines that an offender on community supervision has violated the terms and conditions of community supervision the board may do any of the following:

(a) If the offender has not committed an additional offense, place the offender on electronic monitoring and order the offender to participate in a community accountability program pursuant to section 41-1609.05. **IF ELECTRONIC MONITORING IS ORDERED, THE BOARD SHALL ORDER THE PERSON TO BE PLACED ON ELECTRONIC MONITORING BEFORE BEING RELEASED TO SERVE THE REMAINING TERM OF COMMUNITY SUPERVISION.**

(b) Revoke community supervision and return the offender to prison for the remainder of the offender's community supervision.

(c) Impose additional terms and conditions on the offender while keeping the offender on community supervision. If there is reasonable cause to believe that an offender who has been kept on community supervision has violated any term or condition of community supervision, any member of the board may petition the board to revoke community supervision. After a petition to revoke has been submitted, the chairman may issue a summons directing the offender to appear on a specified date for a revocation hearing or may issue a warrant for the offender's arrest. Nothing in this subsection

limits the ~~state department of corrections'~~ DEPARTMENT'S authority with respect to submitting revocation petitions or issuing revocation warrants.

D. Any recommendation for commutation that is made unanimously by the members present and voting and that is not acted on by the governor within ninety days after the board submits its recommendation to the governor automatically becomes effective.

E. The executive director shall perform all administrative, operational and financial functions for the board.

F. The executive director may employ case analysts as deemed necessary within the limits of legislative appropriation. The analyst shall aid the board in making investigations, in securing information and in performing necessary administrative functions to assist the board in passing ~~upon~~ ON applications for parole and commutation.

G. The executive director may employ hearing officers as deemed necessary within the limits of legislative appropriation. The hearing officers shall conduct probable cause hearings on parole, work furlough and home arrest revocations or rescissions. Hearing officers shall assist the board in making investigations, securing information and performing necessary administrative functions.

Sec. 4. Section 31-411, Arizona Revised Statutes, is amended to read:

31-411. Parole or discharge; conditions of parole; release under supervision of state department of corrections; notice of hearing; exceptions

A. Any prisoner who has been certified as eligible for parole or absolute discharge from imprisonment pursuant to section 31-412, subsection B or section 41-1604.09 shall be given an opportunity to apply for release upon parole or for an absolute discharge from imprisonment. The board of executive clemency shall not entertain any other form of application or petition for the release upon parole or absolute discharge from imprisonment of any prisoner.

B. A prisoner who is eligible for parole or absolute discharge from imprisonment shall be given an opportunity to be heard either before a hearing officer designated by the board or the board itself, at the discretion of the board.

C. If the hearing is heard by a hearing officer, the hearing officer shall make a recommendation on application for parole or absolute discharge from imprisonment to the board within thirty days after the hearing date. Within thirty days after the date of the hearing officer's recommendations, the board shall review these recommendations and either approve, with or without conditions, or reject the prisoner's application for parole or absolute discharge from imprisonment. A prisoner who is eligible for parole or absolute discharge from imprisonment shall not be denied parole or absolute discharge from imprisonment without an opportunity to be heard before the board unless another form of release has been granted.

1 D. If parole is granted, the prisoner shall remain on parole unless
2 the board revokes the parole or grants an absolute discharge from parole or
3 until the prisoner reaches the individual earned release credit date pursuant
4 to section 41-1604.10. If the prisoner violates a condition of parole but
5 has not committed an additional offense, the board may place the prisoner on
6 electronic monitoring and order the defendant to participate in a community
7 accountability program pursuant to section 41-1609.05. IF ELECTRONIC
8 MONITORING IS ORDERED, THE BOARD SHALL ORDER THE PERSON TO BE PLACED ON
9 ELECTRONIC MONITORING BEFORE BEING RELEASED TO SERVE THE REMAINING TERM OF
10 PAROLE. If the prisoner is still on parole on reaching the individual earned
11 release credit date pursuant to section 41-1604.10, the prisoner shall be
12 terminated from parole but shall be subject to revocation under section
13 41-1604.10. When the prisoner reaches the individual earned release credit
14 date the prisoner's parole shall be terminated and the prisoner shall no
15 longer be under the authority of the board.

16 E. During the period of time that the prisoner remains on supervised
17 parole under subsection D of this section, the board shall require as a
18 condition of parole that the prisoner pay a monthly supervision fee of not
19 less than thirty dollars unless, after determining the inability of the
20 prisoner to pay the fee, the board requires payment of a lesser amount. The
21 supervising parole officer shall monitor the collection of the fee. The
22 board may also impose any conditions of parole it deems appropriate in order
23 to ensure that the best interests of the prisoner and the citizens of this
24 state are served. These conditions may include:

- 25 1. Participation in a rehabilitation program or counseling.
- 26 2. Performance of community restitution work.

27 F. Monies collected pursuant to subsection E of this section shall be
28 deposited, pursuant to sections 35-146 and 35-147, in the victim compensation
29 and assistance fund established by section 41-2407.

30 G. When parole or absolute discharge from imprisonment is denied, the
31 board, within ten days, shall prepare and deliver to the director ~~of the~~
32 ~~state department of corrections~~ a written statement specifying the
33 individualized reasons for the denial of parole or absolute discharge from
34 imprisonment unless another form of release has been granted. The prisoner
35 may view the written statement prepared by the board. Every prisoner, having
36 served not less than one year, may be temporarily released according to the
37 rules of the department one hundred eighty days before the expiration of the
38 sentence or the earned release credit date, whichever first occurs, if the
39 director finds that the release is in the best interest of the state. The
40 releasee shall remain under the control of the ~~state~~ department ~~of~~
41 ~~corrections~~ until expiration of the term specified in the sentence. If the
42 releasee violates any condition of release, the releasee may be returned to
43 custody without further process.

1 H. When a commutation, absolute discharge from imprisonment or parole
2 is to be considered, the board, on request and before holding a hearing on
3 the commutation, absolute discharge from imprisonment or parole, shall notify
4 the attorney general, the presiding judge of the superior court, the county
5 attorney in the county in which the prisoner requesting a commutation,
6 absolute discharge from imprisonment or parole was sentenced, and the victim
7 of the offense for which the prisoner is incarcerated. The notice to the
8 victim shall be mailed to the last known address. The notice shall state the
9 name of the prisoner requesting the commutation, absolute discharge from
10 imprisonment or parole and shall set the month of hearing on the
11 application. The notice to the victim shall also inform the victim of the
12 victim's right to be present and to submit a written report to the board
13 expressing the victim's opinion concerning the release of the prisoner. No
14 hearing concerning commutations, absolute discharge from imprisonment or
15 parole shall be held until fifteen days after the date of giving the notice.
16 On mailing the notice, the board shall file a hard copy of the notice as
17 evidence that notification was sent.

18 I. The provisions of this section requiring notice to the officials
19 named in subsection H of this section shall not apply:

20 1. When there is imminent danger of the death of the person convicted
21 or imprisoned.

22 2. When the term of imprisonment of the applicant is within two
23 hundred ten days of expiration.

24 Sec. 5. Section 41-1604.13, Arizona Revised Statutes, is amended to
25 read:

26 41-1604.13. Home arrest; eligibility; victim notification;
27 conditions; applicability; definition

28 A. An inmate who has served not less than six months of the sentence
29 imposed by the court is eligible for the home arrest program if the inmate:

30 1. Meets the following criteria:

31 (a) Was convicted of committing a class 4, 5 or 6 felony not involving
32 the intentional or knowing infliction of serious physical injury or the use
33 or exhibition of a deadly weapon or dangerous instrument.

34 (b) Was not convicted of a sexual offense.

35 (c) Has not previously been convicted of any felony.

36 2. Violated parole by the commission of a technical violation that was
37 not chargeable or indictable as a criminal offense.

38 3. Is eligible for work furlough.

39 4. Is eligible for parole pursuant to section 31-412, subsection A.

40 B. The board of executive clemency shall determine which inmates are
41 released to the home arrest program based on the criteria in subsection A of
42 this section and based on a determination that there is a substantial
43 probability that the inmate will remain at liberty without violating the law
44 and that the release is in the best interests of the state after considering
45 the offense for which the inmate is presently incarcerated, the prior record

1 of the inmate, the conduct of the inmate while incarcerated and any other
2 information concerning the inmate which is in the possession of the ~~state~~
3 department ~~of corrections~~, including any presentence report. The board
4 maintains the responsibility of revocation as applicable to all parolees.

5 C. An inmate who is otherwise eligible for home arrest, who is not on
6 work furlough and who is currently serving a sentence for a conviction of a
7 serious offense or conspiracy to commit or attempt to commit a serious
8 offense shall not be granted home arrest except by one of the following
9 votes:

10 1. A majority affirmative vote if four or more members of the board of
11 executive clemency consider the action.

12 2. A unanimous affirmative vote if three members of the board of
13 executive clemency consider the action.

14 3. A unanimous affirmative vote if two members of the board of
15 executive clemency consider the action pursuant to section 31-401, subsection
16 I and the chairman of the board concurs after reviewing the information
17 considered by the two members.

18 D. Home arrest is conditioned on the following:

19 1. Active electronic monitoring surveillance for a minimum term of one
20 year or until eligible for general parole. **IF ELECTRONIC MONITORING IS**
21 **ORDERED, THE BOARD SHALL ORDER THE INMATE TO BE PLACED ON ELECTRONIC**
22 **MONITORING BEFORE BEING RELEASED ON HOME ARREST.**

23 2. Participation in gainful employment or other beneficial activities.

24 3. Submission to alcohol and drug tests as mandated.

25 4. Payment of the electronic monitoring fee in an amount determined by
26 the board of not less than one dollar per day and not more than the total
27 cost of the electronic monitoring unless, after determining the inability of
28 the inmate to pay the fee, the board requires payment of a lesser amount.
29 The fees collected shall be returned to the department's home arrest program
30 to offset operational costs of the program.

31 5. Remaining at the inmate's place of residence at all times except
32 for movement out of the residence according to mandated conditions.

33 6. Adherence to any other conditions imposed by the court, board of
34 executive clemency or supervising corrections officers.

35 7. Compliance with all other conditions of supervision.

36 E. Before holding a hearing on home arrest, the board on request shall
37 notify and afford an opportunity to be heard to the presiding judge of the
38 superior court in the county in which the inmate requesting home arrest was
39 sentenced, the prosecuting attorney and the director of the arresting law
40 enforcement agency. The board shall notify the victim of the offense for
41 which the inmate is incarcerated. The notice shall state the name of the
42 inmate requesting home arrest, the offense for which the inmate was
43 sentenced, the length of the sentence and the date of admission to the
44 custody of the state department of corrections. The notice to the victim
45 shall also inform the victim of the victim's right to be present and to

1 submit a written report to the board expressing the victim's opinion
2 concerning the inmate's release. No hearing concerning home arrest may be
3 held until fifteen days after the date of giving the notice. On mailing the
4 notice, the board shall file a hard copy of the notice as evidence that
5 notification was sent.

6 F. An inmate who is placed on home arrest is on inmate status, is
7 subject to all the limitations of rights and movement and is entitled only to
8 due process rights of return.

9 G. If an inmate violates a condition of home arrest that poses any
10 threat or danger to the community, or commits an additional felony offense,
11 the board shall revoke the home arrest and return the inmate to the custody
12 of the state department of corrections to complete the term of imprisonment
13 as authorized by law.

14 H. The ratio of supervising corrections officers to supervisees in the
15 home arrest program shall be no greater than one officer for every
16 twenty-five supervisees.

17 I. The board shall determine when the supervisee is eligible for
18 transfer to the regular parole program pursuant to section 31-411.

19 J. This section applies only to persons who commit felony offenses
20 before January 1, 1994.

21 K. For the purposes of this section, "serious offense" includes any of
22 the following:

23 1. A serious offense as defined in section 13-604, subsection W,
24 paragraph 4, subdivision (a), (b), (c), (d), (e), (g), (h), (i), (j) or (k).

25 2. A dangerous crime against children as defined in section
26 13-604.01. The citation of section 13-604.01 is not a necessary element for
27 a serious offense designation.

28 3. A conviction under a prior criminal code for any offense that
29 possesses reasonably equivalent offense elements as the offense elements that
30 are listed under section 13-604, subsection W, paragraph 4 and section
31 13-604.01, subsection M, paragraph 1.

32 Sec. 6. Section 41-1609.05, Arizona Revised Statutes, is amended to
33 read:

34 41-1609.05. Community accountability pilot program; fund;
35 program termination; definition

36 A. The department shall contract with an experienced private or
37 nonprofit entity to operate a community accountability pilot program to
38 provide eligible inmates with supervision and treatment services. The
39 department shall procure community accountability services pursuant to
40 chapter 23 of this title.

41 B. The pilot program shall initially provide services to not more than
42 one thousand eligible inmates. At the end of the second year of the pilot
43 program, the program shall provide services to not more than two thousand
44 eligible inmates. The program shall provide services that are designed to
45 lower recidivism rates by providing intensive monitoring and specific

1 treatment. Inmates shall enroll in the program for at least ninety days
2 unless removed by the director pursuant to subsection E of this section.

3 C. The goals of the community accountability pilot program include:

- 4 1. Reducing recidivism.
- 5 2. Providing treatment and rehabilitation services.
- 6 3. Providing supervision through electronic monitoring.
- 7 4. Preparing eligible inmates for independent living following
8 community supervision.
- 9 5. Enhancing public safety.

10 D. The community accountability pilot program may provide the
11 following community based services to eligible inmates:

- 12 1. Substance abuse education and treatment.
- 13 2. Random mandatory drug testing.
- 14 3. Electronic monitoring, remote alcohol testing, global positioning
15 system tracking and voice identification community tracking.
- 16 4. Life skills programming.
- 17 5. Employment preparation.
- 18 6. Anger management.
- 19 7. Parenting skills and family orientation.
- 20 8. Cognitive skills training.
- 21 9. General equivalency diplomas and adult basic education.
- 22 10. Housing assistance.
- 23 11. Health care and stress management.
- 24 12. Transportation planning.
- 25 13. Group and individual counseling.

26 E. The director shall identify inmates who are eligible for the
27 community accountability pilot program and shall determine all supervision,
28 admission and termination requirements. IF ELECTRONIC MONITORING IS ORDERED,
29 THE DIRECTOR SHALL ORDER THE PERSON TO BE PLACED ON ELECTRONIC MONITORING
30 BEFORE BEING RELEASED TO PARTICIPATE IN A COMMUNITY ACCOUNTABILITY PILOT
31 PROGRAM. The director may remove an inmate from the program. The director
32 may order an eligible inmate to participate in the program in lieu of parole
33 or community supervision revocation.

34 F. The contracting entity shall operate the program, including the
35 management of any facility and its staff, the design of the program and the
36 installation and maintenance of all equipment necessary for operation of any
37 facility. Facilities that are established and operated under the pilot
38 program shall be known as community accountability reporting centers. The
39 contracting entity shall use existing risk assessment scores utilized by the
40 department to establish three levels of behavior modification and treatment
41 services. On initial entrance into the program, an eligible inmate shall be
42 placed in level one. Case managers shall provide monthly reports to the
43 eligible inmate's supervising officer, except that a violation shall be
44 reported within twenty-four hours.

1 G. The contracting entity shall not provide housing for eligible
2 inmates who participate in the pilot program. The department may require the
3 contracting entity to provide guidance and counseling to participating
4 eligible inmates who require assistance in locating and obtaining housing.

5 H. After an eligible inmate has been in the program for sixty days or
6 more, the department may require as a condition of program participation that
7 the eligible inmate pay a supervision fee, unless the inmate is determined to
8 be indigent. The case manager shall monitor the collection of the fee.
9 Monies collected pursuant to this subsection shall be deposited, pursuant to
10 sections 35-146 and 35-147, in the community accountability fund established
11 pursuant to subsection I of this section.

12 I. The community accountability fund is established consisting of fees
13 collected pursuant to subsection H of this section. The director shall
14 administer the fund for the purposes of this section. Monies in this fund
15 are continuously appropriated.

16 J. During the first year of operation of the pilot program, the
17 contracting entity shall provide monthly reports to the department and the
18 joint legislative budget committee. Beginning in the second year of the
19 pilot program, the contracting entity shall report at least annually to the
20 department and the joint legislative budget committee.

21 K. The pilot program established by this section ends on July 1, 2009
22 pursuant to section 41-3102.

23 L. This section does not prohibit the department from offering housing
24 to eligible inmates.

25 M. For the purposes of this section, "eligible inmate" means an inmate
26 who is on community supervision or who is eligible for community supervision
27 and who has not been convicted of a violent ~~offense~~ CRIME as defined in
28 section 13-604.04, a dangerous crime against children as defined in section
29 13-604.01 or a sexual offense pursuant to title 13, chapter 14 or 35.1.